

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

QUADRAY HOBBS,)	
)	
Plaintiff,)	
)	
v.)	CV 323-027
)	
TELFAIR STATE PRISON; TELFAIR)	
STATE PRISON STAFF; UNIT)	
MANAGER KAREN THOMAS; UNIT)	
MANAGER SIKES; CO II UPTERGROVE;)	
SGT. SMITH; SGT. INMAN; MCFADDEN,)	
Grievance Coordinator; COUNSELOR K.)	
HILL; and ALL THE LTS AND KITCHEN)	
STAFF AT TELFAIR STATE PRISON,)	
)	
Defendants.)	

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Plaintiff, incarcerated at Telfair State Prison (“TSP”) in Helena, Georgia, filed this case pursuant to 42 U.S.C. § 1983. He is proceeding *pro se* and *in forma pauperis*. Plaintiff filed a motion for injunctive and declaratory relief. (Doc. no. 10.) For the reasons set forth below, the Court **REPORTS** and **RECOMMENDS** Plaintiff’s motion be **DENIED**.

I. Discussion

In his two-page handwritten filing, Plaintiff seeks injunctive relief because the named Defendants “are not doing the proper things to fix the constitutional violations in which this action was filed on.” (Doc. no. 10, p. 1.) Plaintiff contends Defendant Thomas harasses him and has other inmates do the same. (*Id.*) Plaintiff also asserts TSP staff are preventing him from fighting

his criminal charges by denying him access to the law library and telling inmates Plaintiff “works for the officers,” which is “unsafe to a[n] inmate.” (*Id.*) Plaintiff fears something worse than “a couple of stab wounds” could happen to him. (*Id.*)

A party moving for injunctive relief must show the following: “(1) substantial likelihood of success on the merits; (2) irreparable injury will be suffered unless the injunction issues; (3) the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) if issued, the injunction would not be adverse to the public interest.” McDonald’s Corp. v. Robertson, 147 F.3d 1301, 1306 (11th Cir. 1998) (citing All Care Nursing Serv., Inc. v. Bethesda Mem’l Hosp., Inc., 887 F.2d 1535, 1537 (11th Cir. 1989)). “A preliminary injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly establishes the ‘burden of persuasion’ as to the four requisites.” All Care Nursing Serv., Inc., 887 F.2d at 1537 (citing United States v. Jefferson Cnty., 720 F.2d 1511, 1519 (11th Cir. 1983)).

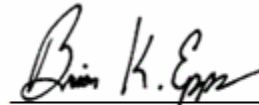
Plaintiff has not met his burden of persuasion. First, Plaintiff has not shown a likelihood of success on the merits. Plaintiff asks the Court to assume, without any evidence, his generalized allegations are truthful and with his directives, order immediate compliance by Defendants. Second, Plaintiff expresses concern about being stabbed again but fails to establish the threat of injury is “neither remote nor speculative, but actual and imminent.” Northeastern Fla. Chapter of Ass’n of General Contractors of Am. v. City of Jacksonville, Fla., 896 F.2d 1283, 1285 (11th Cir. 1990) (quoting Tucker Anthony Realty Corp. v. Schlesinger, 888 F.2d 969, 973 (2d Cir. 1989)); see also Church v. City of Huntsville, 30 F.3d 1332, 1337 (11th Cir. 1994) (noting that, in order to obtain injunctive relief, a plaintiff must show “a real and immediate—as opposed to a merely conjectural or hypothetical—threat of future injury.”). Finally, the law is well settled that federal courts should refrain from unwarranted interference in the day-to-day operations of prisons.

Plaintiff has not alleged fact that are sufficiently compelling to justify such interference. See Bell v. Wolfish, 441 U.S. 520, 547 (1979). Thus, Plaintiff is not entitled to the relief he seeks.

II. Conclusion

For these reasons, the Court **REPORTS** and **RECOMMENDS** Plaintiff's motion for injunctive and declaratory relief be **DENIED**. (Doc. no. 10.)

SO REPORTED and RECOMMENDED this 15th day of May, 2023, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA